

Applicant: Kamel M. Shaheen
Application No.: 10/730,603

REMARKS/ARGUMENTS

Claims 16-30 are currently pending in this application. New claim 30 has been added to more distinctly claim subject matter which the Applicant regards as the invention. Applicant submits that no new matter is entered by way of this amendment.

To summarize the prosecution history of the present case, a Final Office Action was mailed June 29, 2006 rejecting claims 16-29. Applicant filed a Reply After Final to the Final Action on September 29, 2006. An Advisory Action mailed on November 30, 2006 stating that Applicant's September 29, 2006 argument was considered but fails to place the application in condition for allowance.

The Applicant respectfully requests withdrawal of the finality status of the June 29, 2006 Final Office Action because a Request for Continued Examination (RCE) is filed concurrently herewith.

In the Advisory Action mailed November 30, 2006 the Examiner states, "...while the prior art did not recite inter-ESS handover, a second ESS is only recited in the preamble of claims 16, 20, 24, 28 and that which is claimed appears to be convention [sic] handover from one access point to another access point and therefore the prior art clearly reads on the claimed invention." (*See Advisory Action, page 2, emphasis added.*)

The Examiner is reminded that, "If a claim preamble, when read in the context of the entire claim, recites limitations of the claim, or, if the claim preamble is 'necessary to give life, meaning, and vitality' to the claim, then the claim preamble should be construed as if in the balance of the claim." See *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165-66 (Fed. Cir. 1999), *Jansen v. Rexall Sundown, Inc.*, 342 F.3d 1329, 1333, 68 USPQ2d 1154, 1158 (Fed. Cir. 2003), MPEP § 2111.02.

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The preambles of claims 16, 20, 24, and 28 clearly recite, "...a first access point (AP) associated with a first access router (AR) in a first extended service set (ESS) to a second AP associated with a second AR in a second ESS..." Any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation. Emphasis added, see *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F.2d 1251, 1257, 9 USPQ2d 1962, 1966 (Fed. Cir. 1989), MPEP § 2111.02. The preambles of the claims clearly recite that each access point and access router pair comprises an extended service set (ESS). Accordingly, claims 16, 20, 24, and 28 of the present invention relate to inter-ESS handover, which by the Examiner's admission is not taught by the cited prior art.

For the reasons presented above, Applicant submits that independent claims 16, 20, 24, and 28 are patentable over the cited prior art.

Claim Rejections - 35 U.S.C. §102

Claims 16-29 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,907,542 to Kuehnel et al. (hereafter referred to as Kuehnel). The Applicant respectfully disagrees. Presented below for the Examiner's convenience is Applicant's September 29, 2006 argument in response to the Office Action mailed June 29, 2006.

Independent claim 16 of the present application is directed to a method for handoff of a wireless terminal which loses its connection with a first access point associated with a first access router to a second access point associated with a second access router. Responsive to the loss of connection with the first access point, the wireless terminal transmits a reassociation message to the second access point. A reassociation success message is transmitted back to the wireless terminal

from the second access point, and an inter-access router handoff procedure is started.

The inter-access router handoff procedure comprises the wireless terminal providing the second access point information regarding the first access router, which the second access point then provides to the second access router. The second access router contacts the first access router, which then in turn reroutes traffic destined for the wireless terminal to the second access router. Finally, the inter-access router handover is completed by the second access router reestablishing a communication session with the wireless terminal by way of the second access point.

It is noted that each access point and access router pair comprises an extended service set (ESS). Accordingly, the pending claims recite a method for inter-ESS handover. Similarly, independent claims 20 and 24 are directed to similar methods for inter-ESS handover. Independent claim 28 is directed to a wireless terminal for performing the methods of claims 16, 20, and 24.

In contrast, Kuehnel discloses a method for dynamic assignment of signaling virtual channels in wireless asynchronous transfer mode (ATM) communication networks. Kuehnel discloses a wireless architecture comprising two access points and a control function (CF) for coordinating and controlling signaling between the access points, (*see Figure 3, column 9, lines 1 through 33*). Presumably, any number of access points may be controlled by the CF. Kuehnel discloses a single CF, which may be considered analogous to an access router of the present application. However, Kuehnel fails to disclose multiple access routers, ESSs, and inter-access router signaling in the context of inter-ESS handover as claimed in the pending application.

More particularly, with reference to Figure 4 of Kuehnel, handover of the mobile terminal 40 from an old AP 44 to a new AP 50 is accomplished by signaling from the mobile terminal 40 to the CF 48. Kuehnel's disclosure is equivalent to intra-ESS handover (or simply basic service set (BSS) handover) in the terminology of the pending application, not inter-ESS handover as presently claimed.

Moreover, Kuehnel teaches away from the claimed methods for inter-ESS handover. The relevant portion of Kuehnel discloses as follows.

The above procedure makes it unnecessary to include the new access point identifier in the mobile terminal's Handover Request which leads to a further simplification of the access point and the radio access controller (RAC). Otherwise, the mobile terminal would have to obtain the identifier of the new access point AP and include it in the Handover Request message. *(See Kuehnel, column 7, lines 27 through 35, emphasis added.)*

Pending claim 17 recites, "...the reassociation message including identifiers of the first AP, the second AP and the first ESS." Pending claims 20 and 24 recite, "...the second AP querying a database in the first ESS to retrieve an address of the first AR, and providing the address of the first AR to the second AR..." Pending claim 28 recites, "...a reassociation message includes an identity of the first AP, the second AP, and the first ESS..." Clearly, the teaching of Kuehnel is inconsistent with the pending claims. Specifically, identifiers of various access points and access routers are transmitted in a reassociation message from the wireless terminal.

For the reasons presented above, independent claims 16, 20, 24, and 28 are believed to be patentable over the cited prior art of record. All other claims are depend from these independent claims, and are also believed to be patentable. Therefore, withdrawal of the 35 U.S.C. § 102(b) rejection of claims 16-29 is respectfully requested.

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Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing remarks, Applicants respectfully submit that the present application, including claims 16-30, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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